COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

TYPE OF INCIDENT: **DEPUTY INVOLVED SHOOTING - HIT**

IAB FILE NUMBER: **SH 2455168**

URN: **018-05609-0560-057**

DATE/TIME: **MAY 8, 2018 / 2331 HOURS**

LOCATION: **SEAMAN AVENUE/ GIOVANE STREET, EL MONTE**

SYNOPSIS:

On Tuesday, May 8, 2018, Sergeants Stacie Reedy, David Moore and Lieutenant Quitman Carter of the Internal Affairs Bureau (IAB), responded to the northwest corner of Seaman Avenue and Giovane Street, El Monte regarding a deputy-involved hit-shooting. IAB investigators learned a 21-year old male Hispanic named Michael Contreras (Suspect Contreras), was identified as the only suspect involved in the incident. Suspect Contreras was struck in the upper torso by a non-fatal single gunshot wound. Los Angeles County Fire Paramedics transported Suspect Contreras to the Los Angeles County Medical Center (LCMC) for treatment. The involved and witness personnel were not injured during the incident.

Temple Station Watch Commander, Lieutenant Francis Ruiz, [redacted] took reasonable steps to ensure the involved deputy and witness personnel did not discuss the incident amongst themselves, or with uninvolved persons, before being interviewed by the assigned investigators. Lieutenant Ruiz confirmed the involved deputy and witness personnel were gathered in the company of Sergeant Marko Tinoco, [redacted] until they provided their statements to the assigned investigator.

Los Angeles County Sheriff's Department Homicide Bureau Sergeants Chaffey Shepherd, [redacted] and Richard Biddle, [redacted] along with Detective Johnathan Bailey, [redacted] arrived and assumed control of the investigation. For further information refer to the shooting investigation case book, under file number 018-05609-0560-057 **[EXHIBIT A]**.

On January 9, 2019, the Los Angeles County District Attorney's Office reviewed the facts of this case and determined the involved deputy, Deputy Brandon Barr was justified in using deadly force against Suspect Contreras in self-defense **[EXHIBIT B]**.

SUMMARY:

On May 8, 2018, at approximately 2330 hours, Deputies Barr (53F/PM) and Jaime Barrios (53H/PM) were on patrol in South El Monte, in separate, marked Los Angeles County Sheriff's Department (LASD) patrol vehicles. Deputy Barr described the neighborhood as a "high crime" area and home to gang members.

> **IAB NOTE: The city of South El Monte is patrolled by deputies assigned to Temple Station and is bordered to the north by the city of El Monte. This incident occurred within the city of El Monte approximately one block north from the border of South El Monte.**

Deputy Barr said it was a slower night, his calls for service had slowed, and he and his partner were doing some pro-active police work. Deputy Barr was traveling north on Seaman Avenue as Deputy Barrios trailed behind. As Deputy Barr passed Giovane Street, he looked to his left and saw a male Hispanic (Suspect Contreras), dressed in all black clothing, carrying a shoebox and bag while walking east along the north sidewalk.

Deputy Barr told IAB investigators, this was the first time seeing the suspect, and he wanted to talk to him and, "see how he's doing" **(Refer to Deputy Barr's Transcripts, page 9)**. As Deputy Barr passed Giovane Street, he conducted a U-turn on Seaman Avenue to make contact with Suspect Contreras. Deputy Barrios, in tandem with Deputy Barr, made a U-turn on Seaman Avenue and continued onto Giovane Street behind Deputy Barr.

Deputy Barr reacquired Suspect Contreras after turning westbound on Giovane Street. Suspect Contreras continued walking east along the north sidewalk, when Deputy Barr drove alongside the northwest curb line and illuminated Suspect Contreras with his patrol vehicle driver-side spotlight. Deputy Barr asked Suspect Contreras, "Hey man, what's up? How you doing?" **(Refer to Deputy Barr's Transcripts, page 9)**. Suspect Contreras continued to walk east along the sidewalk and took several steps away from the area illuminated by Deputy Barr's spotlight. Deputy Barr parked and exited his patrol vehicle, while simultaneously asking Suspect Contreras, "Hey man, what's up? How you doing?" **(Refer to Deputy Barr's Transcripts, page 9)**.

Deputy Barrios continued driving west on Giovane Street, where he parked his patrol vehicle in front of Deputy Barr's patrol vehicle, a Ford Explorer. As Deputy Barrios parked his patrol vehicle, he had his first view of Suspect Contreras. Deputy Barrios exited his patrol vehicle and walked behind Deputy Barr, where he positioned himself near the rear-end of Deputy Barr's patrol vehicle.

As Deputy Barr continued to speak with Suspect Contreras, Suspect Contreras immediately stopped walking and turned his body toward Deputy Barr, causing him to face Deputy Barr. Suspect Contreras said something to Deputy Barr; however, he was unable to understand what Suspect Contreras said. Suspect Contreras dropped the items he was holding and used his left hand to lift his shirt, exposing his waistband. When Suspect Contreras lifted his shirt, Deputy Barr saw the butt-end of a semiautomatic handgun tucked into Suspect Contreras' waistband. Deputy Barr drew his Departmental issued Smith and Wesson M&P 9mm pistol from his holster and pointed it at Suspect Contreras. Deputy Barr issued commands to Suspect Contreras, ordering him to show his hands and not to reach for the pistol. Deputy Barr additionally informed Deputy Barrios Suspect Contreras had a weapon.

Deputy Barr continued to give Suspect Contreras orders to put his hands up; however, Suspect Contreras did not comply. Suspect Contreras drew the firearm from his waistband with his right hand and raised it toward Deputy Barr. Suspect Contreras was holding the handgun by the grip with the barrel pointed at Deputy Barr. Believing Suspect Contreras was about to shoot him, Deputy Barr fired one round from his duty weapon, striking Suspect Contreras in his upper right chest. Suspect Contreras sustained one gunshot wound **[EXHIBIT A, page 37]**.

IAB NOTE: A surveillance camera, located at 9869 Giovane Street, captured video of Suspect Contreras walking east along the north sidewalk before being contacted by Deputy Barr. The shooting was not within camera view, however audio of the incident was recorded [EXHIBIT C].

Suspect Contreras fell to the ground, landing on his stomach, with his firearm falling approximately three feet in front of him. Deputy Barrios advised, via his portable radio, that a [redacted] occurred, and they (Deputies Barr and Barrios) were detaining one suspect (Suspect Contreras) at gunpoint who's [redacted] Deputy Barrios also requested additional deputy personnel to respond to his location and medical assistance for Suspect Contreras.

IAB NOTE: [redacted]

IAB NOTE: [redacted]

Deputies Barr and Barrios remained behind Deputy Barr's patrol vehicle for cover. They had their weapons drawn and pointed at Suspect Contreras until additional deputy personnel arrived before approaching Suspect Contreras. Deputies Andres Arcila, [redacted] (Unit 55F/PM), and Christopher Flores, [redacted] (55T1/EM), were first to arrive on scene. Deputy Arcila arrived before Deputy Flores, with Deputy Flores arriving shortly after. Deputy Arcila parked his patrol vehicle west of Deputy Barrios' patrol

vehicle on Giovane Street, while Deputy Flores parked his patrol vehicle to the east of Deputy Barr's patrol vehicle, toward the intersection of Seaman Avenue and Giovane Street. With additional deputy personnel now on the scene, Deputies Barr, Barrios, Arcila, and Flores immediately formulated a tactical plan to approach Suspect Contreras. The Deputies plan included making their approach of Suspect Contreras, handcuffing him, to protect the firearm which was within Suspect Contreras' reach, and to render medical aid. Deputy Flores approached Suspect Contreras while Deputies Barr, Barrios, and Arcila provided cover with their firearms, watching for any possible outstanding suspects as Deputy Flores handcuffed Suspect Contreras. Suspect Contreras was handcuffed, seated in a recovery position, and provided medical aid pending the arrival of paramedics.

IAB NOTE: As defined by medical-dictionary, a recovery position is when a person is placed on their left side with the left arm moved aside and supported to allow for lung expansion.

The Los Angeles County Fire Department Engine 90 under the direction of Captain [redacted] arrived on the scene, within approximately five minutes according to radio traffic of the incident, **[EXHIBIT D, T-4, 2]**, to medically treat Suspect Contreras. Suspect Contreras was transported to LCMC for additional medical treatment by Care Ambulance (4117), escorted by Deputy David Yoo, [redacted] and Deputy Joseph Nunez, [redacted] Once the suspect was stabilized, he was transferred to the Surgical Observation Unit (SOU) and admitted for further evaluation. The radio traffic related to this incident is included in this case under **[EXHIBIT D]**.

On May 10, 2018, Suspect Contreras was released from the LCMC. Upon his release, Suspect Contreras was arrested by Los Angeles County Sheriff's Deputy Brittany Wallace, [redacted] Suspect Contreras was booked at the Los Angeles County Sheriff's Department Jail Ward, under booking number 5308238.

ROUND COUNT:

Detective Bailey conducted a round count of Deputy Barr's duty weapon. Deputy Barr was directed to render his duty weapon safe. Deputy Barr's duty weapon contained one (1) "FC 9mm Luger" live round, in the chamber, and sixteen (16) "Win 9mm" live rounds in the magazine. Deputy Barr's weapon and the magazine were transported to the Los Angeles County Scientific Services Bureau, Firearms Section by Forensic Identification Specialist Nakia Berry, [redacted]

DISTRICT ATTORNEY'S LETTER OF OPINION:

The Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office reviewed the non-fatal shooting of Suspect Contreras by Deputy Barr. In their Letter of Opinion **[EXHIBIT B]**, dated January 9, 2018, Deputy District Attorney Shannon Presby concluded Deputy Barr acted lawfully in self-defense when he used

deadly force against Suspect Contreras. There would be no further action from the District Attorney's Office.

INVOLVED PERSONNEL AND WORK HISTORY:

Brandon Barr
East Patrol Division
Temple Station

Date of Employment: April 25, 2012
Date assigned to Patrol:
Completed Patrol Training:
Prior Shooting Incident(s):
Prior Founded Force Incidents:


[redacted]

Equipment Worn on Person

On May 8, 2018, Deputy Barr was wearing his Class "A" uniform with a protective vest and a Sam Browne duty belt. The equipment worn on his duty belt included his Smith and Wesson M&P, 9mm duty weapon, two loaded magazines, two handcuffs, Oleoresin Capsicum (OC) spray, expandable baton, handheld radio, flashlight and keys. Deputy Barr's PR-24 baton was attached to his warbag in the trunk of his patrol SUV.

SUSPECT INFORMATION:

Michael Contreras
Male Hispanic, El Monte resident, D.O.B. June 14, 1996 (21 years), 5'09"/ 187 pounds. [redacted] In custody under Booking #5308238

Criminal History

A summary of Suspect Contreras's criminal history, according to the Consolidated Criminal History Reporting System (CCHRS) revealed Suspect Contreras has been arrested and booked for ten felony counts and five misdemeanor counts, with seven felony convictions. Suspect Contreras was [redacted] and [redacted] A copy of Suspect Contreras's criminal history is included in the Shooting Investigation Case Book as **[EXHIBIT A, pages 67-80]**.

WITNESSES:

The following person was identified as a witness:

Employee
Deputy Jaime Barrios

WITNESSES CONTINUED:

Civilian
None.

The following persons were identified as deputy personnel who arrived on-scene and assisted with the suspect subsequent to the deputy involved shooting.

Employees
Deputy Andres Arcila
Deputy Christopher Flores
Sergeant Maurice Austin

CANVASS OF THE SCENE:

Bullet fired/possible impacts

The reported background of the shot fired by Deputy Barr was the residence on the northwest corner of Seaman Avenue and Giovane Street (2721 Seaman Avenue). A search was conducted by Sergeant Biddle, along with assisting deputies (Deputies Javier Gonzalez Jr., [redacted] and Arcila), but no bullet impacts were located to the structure or any of the many medium-sized trees on the property or the north perimeter fence and block wall. A search was conducted of Seaman Avenue to Garvey Avenue, along with the west exterior of the Buy Low Market building and Buy Low Market parking lot, but was unable to locate the bullet fired by Deputy Barr. Sergeant Biddle also searched the area of businesses located along the north curb line of Garvey Avenue for any bullet impacts which met with negative results.

Door knocks conducted

Door knocks were conducted by Deputies Arcila and Gonzalez of the surrounding area for possible witnesses. Their search was met with negative results. Refer to Deputies Arcila and Gonzalez supplemental reports for further **[EXHIBIT A, pages 8-12]**.

INJURIES:

Suspect Michael Contreras's Injuries

Suspect Contreras sustained one (1) non-fatal, through and through gunshot wound to his upper torso. Suspect Contreras was admitted to LCMC for treatment during the early morning hours on May 9, 2018, and released on May 10, 2018.

Involved Employee

None.

PHYSICAL EVIDENCE:

All physical evidence was located and collected by the Los Angeles County Sheriff's Department Homicide Bureau Sergeants Shepherd and Biddle, along with Detective Bailey. The Homicide investigators were assisted by Forensic Identification Specialist (FIS) Michelle-Rene Marmolejo, [redacted], and Deputy John Chun, [redacted], from the Los Angeles County Sheriff's Scientific Services Bureau. For descriptions of the evidence collected and location of collection, refer to the Shooting Investigation Case Book **[EXHIBIT A, pages 46-52]**.

An expended cartridge case was found on Giovane Street south of the left front fender of Deputy Barr's patrol vehicle **[EXHIBIT A, page 50]**.

INVESTIGATOR OBSERVATIONS:

Approximately two hours transpired from the deputy involved shooting to IAB investigator's observations. The area of the shooting was a residential neighborhood consisting of single-family residences. Giovane Street is a two-lane east/west residential street that "T" intersects with Seaman Avenue to the east and Portrero Avenue to the west. The scene of the shooting was described in detail by Homicide investigators **[EXHIBIT A, pages 47-51]**. Their description of the crime scene was consistent with IAB investigator's observations. FIS Marmolejo photographed, and diagramed the scene **[EXHIBIT E]**.

WEAPON USED BY DEPUTY PERSONNEL:

Deputy Brandon Barr

Deputy Barr fired one round of Department issued 9mm ammunition from his Department issued Smith and Wesson M&P, semiautomatic pistol (serial number HPS[redacted]). One (1) spent casing was recovered from Giovane Street south of the left front fender of Deputy Barr's patrol vehicle. The firearm was examined by Deputy Ivan Chavez, [redacted] of the Scientific Services Firearms Identification Section and found to be functional **[EXHIBIT A, pages 53-54]**.

Date last qualified:
Date last trained with weapon: [redacted]



IAB NOTE: Deputy Personnel are required to qualify every quarter. A copy of the Deputy Barr's complete training records, including range qualification scores and dates, were included as miscellaneous documents within the IAB casebook.

WEAPON DISPLAYED BY THE SUSPECT:

Suspect Michael Contreras

Suspect Contreras possessed a Black Pellet "Umbrex" model MOPH3X, serial number [redacted], .177 caliber pellet pistol that was found on the grass parkway along the north sidewalk of Giovane Street. The pellet pistol did not have a compressed air cartridge or any pellets in the chamber and did not appear to be functional **[EXHIBIT A, pages 46 (item#2)/51]**. A deoxyribonucleic acid (DNA) analysis was conducted on the grip, trigger and guard, and barrel of the above described pistol by Senior Criminalist Mario Portillo II, of the Scientific Services Bureau, on August 6, 2018. The DNA findings from the trigger and guard of Suspect Contreras's gun were found to be 94% conclusive. For complete findings refer to the Shooting Investigation Case Book **[EXHIBIT A, pages 57-58]**.

PROPERTY DAMAGE:

None.

CRIMINAL INVESTIGATION AND CHARGES FILED:

The criminal investigation into Suspect Contreras's actions were handled by Los Angeles County Homicide Sergeant Chaffey Shepherd and Sergeant Richard Biddle, and Detective Jonathan Bailey. On May 14, 2018, the investigators presented their case to the Los Angeles County District Attorney's Office. Suspect Contreras was charged in El Monte Court under case number KA118100 with the following:

- 1 Count of 69 P.C. Felony
- 1 Count of 148 (A)(1) P.C. Misdemeanor
- 1 Count of 417.4 P.C. Misdemeanor
- 1 Count of 466 P.C. Misdemeanor

Suspect Contreras was convicted, on January 3, 2019, of 69 P.C. in Pomona Court under case number KA11988401 and sentenced to 16 months in county jail.

LIGHTING AND WEATHER CONDITIONS:

The incident took place on a clear evening, at approximately 2331 hours. The scene of the shooting was dimly illuminated by porch lights, as well as floodlights attached to the surrounding residences. There was also an overhead street light, extending west, along the east curb line of Seaman Avenue just north of an alleyway.

STATEMENTS:

The following narratives are intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the digitally audio recorded interviews ad verbatim transcripts.

INVOLVED EMPLOYEE STATEMENTS:

Deputy Brandon Barr

Homicide Interview

On May 9, 2018, Homicide Detective Jonathan Bailey and Sergeant Chaffey Shepherd interviewed Deputy Barr. A summary of this interview can be found in the Shooting Investigation Case Book **[EXHIBIT A, pages 38-39]**.

Internal Affairs Bureau I Interview

On August 28, 2019, Deputy Brandon Barr was interviewed by IAB Sergeants Stacie Reedy and John Steele at the IAB office in the city of Commerce. Deputy Barr was represented by Robert Wexler of Rains, Lucia and Stern Law Office.

On May 8, 2018, Deputy Barr was assigned to Temple Station, working unit 53F from [redacted] on PM shift. Deputy Barr was approximately [redacted] and was working in tandem with his "sister" car, Deputy Barrios on PM shift.

During the interview with IAB Investigators, Deputy Barr reviewed the equipment he wore on his person at the time of the deputy involved shooting, including his duty weapon.

Deputy Barr detailed the events that led up to the deputy involved shooting on May 8, 2018. Deputy Barr said he, along with Deputy Barrios, were traveling north on Seaman Avenue as they approached Giovane Street, in the city of El Monte. Deputy Barr was the lead car, as Deputy Barrios followed behind him in his patrol vehicle. As he continued north on Seaman Avenue passing Giovane Street, Deputy Barr's attention was drawn to the suspect, who was walking east on the north sidewalk of Giovane Street. The suspect (Suspect Contreras), a male Hispanic, was carrying a shoebox and bag in his hands. Because the area was known for residential burglaries, and Deputy Barr had never seen the suspect before, he decided he wanted to make contact and speak with him. Deputy Barr initiated a U-turn on Seaman Avenue, while notifying Deputy Barrios (via his hand-held radio over [redacted]) of his intentions to make contact with Suspect Contreras. Deputy Barr continued west on Giovane Street as Deputy Barrios continued to follow.

IAB NOTE: The radio frequency utilized by Temple Station is Dispatch [redacted] When switching to [redacted]

[redacted] **Due to the proximity of Sheriff's Communication Center, the transmission was not recorded.**

As Deputy Barr turned west on Giovane Street, he continued west and positioned his vehicle somewhat parallel to the north curb line (east of the suspect) with his driver side spotlight illuminating the suspect. As Suspect Contreras (parallel with Deputy Barr's passenger side door) was illuminated, Deputy Barr asked, "Hey, what's up? How you doing?" **(Refer to Deputy Barr's Transcripts, page 9)**. Suspect Contreras answered Deputy Barr in English; however, Deputy Barr was unable to understand what was said. Suspect Contreras continued walking out of the illumination of Deputy Barr's spotlight and Deputy Barr exited his vehicle. As he exited, he walked toward the front of his vehicle, near the spotlight. From over the hood of his vehicle, he again attempted to engage in conversation with Suspect Contreras. Deputy Barr maintained his position by his spotlight while speaking with Suspect Contreras to provide cover and distance between him and the suspect. Deputy Barr was approximately five to seven yards from Suspect Contreras. Deputy Barr was unable to recall if Suspect Contreras was carrying the two items he previously noted, or if he (Suspect Contreras) had dropped them.

IAB NOTE: Using a sketch of the scene during the interview, Deputy Barr noted his parked patrol vehicle as Vehicle B, rooftop 118, as diagrammed in [EXHIBIT F, Barr]. However, Deputy Barr's assigned patrol vehicle was diagrammed as Vehicle A, rooftop 816. In the same photo, he described his approximate location, by pointing to the diagram, once he exited his patrol vehicle and drew an "S" indicating the approximate distance of the suspect's location.

Suspect Contreras stopped and turned his body in Deputy Barr's direction. Without further communication from Suspect Contreras, he (Suspect Contreras) used his left hand to lift his shirt, exposing his waistband allowing Deputy Barr to see the butt-end of a semiautomatic handgun. Deputy Barr gave Suspect Contreras orders to put his hands-up, and yelled to Deputy Barrios, "He has something! He has something!" **(Refer to Deputy Barr's Transcripts, page 9)**.

Deputy Barr told IAB investigators there were no cars or trees between him and Suspect Contreras, providing Deputy Barr with a clear view of Suspect Contreras. Deputy Barr never lost sight of Deputy Barrios and knew he was near the taillight of Deputy Barr's vehicle, at this time. Deputy Barr was cognizant of his backdrop and sight alignment regarding Suspect Contreras. He said the backdrops were some trees and a house, with his sight alignment on the suspect's chest area. As Suspect Contreras lifted his shirt up, he (Suspect Contreras) simultaneously used his right hand to pull the gun from his waistband by placing his hand on the handle, pulling it in an upward motion and turning the gun toward Deputy Barr. Although Deputy Barr used the term

simultaneously, he continued and described the incident occurring in slow motion, wherein he saw Suspect Contreras' shirt being lifted and then his (Suspect Contreras') hand going to the gun **(Refer to Deputy Barr's Transcripts, page 36)**. As Suspect Contreras pointed the gun directly at Deputy Barr, Deputy Barr drew his weapon and fired one round to Suspect Contreras's chest as he maintained his position near the spotlight of his patrol vehicle. Deputy Barr maintained his position and aimed his firearm at Suspect Contreras while continuing to communicate with him. Deputy Barr reminded Suspect Contreras to breathe and to leave his hands by his side. Deputy Barr estimated he was approximately five to seven yards from Suspect Contreras, when he fired the shot from his duty weapon. Deputy Barr explained, he was scared, "I did not know if he was going to shoot me" **(Refer to Deputy Barr's Transcripts, page 23)**. Deputy Barr believed there was no other option to stop the threat other than lethal force.

Deputy Barr explained as he fired his weapon, he saw Suspect Contreras' gun go in the air. It fell to the ground followed by Suspect Contreras. Deputy Barr continued to give Suspect Contreras orders to keep his hands down by his sides, due to his (Suspect Contreras') gun falling to the ground above his head and within reach. Suspect Contreras complied with the orders given. Deputy Barr continued to remain near the spotlight of his patrol vehicle as his vehicle provided cover until additional deputy personnel arrived.

Deputy Barrios immediately broadcasted a deputy involved shooting at Seaman Avenue and Giovane Street via his handheld radio, and requested additional units and medical services to respond. A supervisor was also requested. Deputies Barr and Barrios continued to hold Suspect Contreras at gunpoint until additional deputy personnel arrived. Deputies Arcila and Flores were the first deputies to arrive on-scene. Deputies Barr, Barrios, Arcila, and Flores formulated a plan to approach and handcuff Suspect Contreras, as Deputy Barr held him (Suspect Contreras) at gunpoint from the spotlight area of his patrol vehicle. Once Suspect Contreras was handcuffed, and placed into a recovery position, Deputy Barr went to the trunk of his patrol vehicle, grabbed some towels and handed them to Deputy Arcila. Deputy Arcila rendered aid as he applied pressure to Suspect Contreras's wound. Approximately 45 seconds later, medical personnel arrived on-scene and took over first aid efforts for Suspect Contreras.

Internal Affairs Bureau II Interview

On December 3, 2019, Deputy Brandon Barr was interviewed by IAB Sergeants Stacie Reedy and John Steele at the IAB office in the city of Commerce. Deputy Barr was represented by Robert Wexler of Rains, Lucia and Stern Law Office.

Deputy Barr was given a video admonishment, by IAB Investigator Sergeant Reedy, and shown video captured from a surveillance camera, located at 9869 Giovane Street. Although the shooting was not within camera view, audio of the incident was recorded **[EXHIBIT C]**. After reviewing the video captured and to the best of his recollection, Deputy Barr clarified that when making his initial contact with Suspect Contreras, he said, "What's up man? Can I talk to you for a sec?" **(Refer to Deputy Barr's Transcripts, second interview, page 4)**. Deputy Barr said, by asking Suspect

Contreras to come over and talk with him, he was only attempting to speak with Suspect Contreras, and by no means was he (Suspect Contreras) obligated, nor forced to do so. Deputy Barr continued and said, after greeting Suspect Contreras, Suspect Contreras turned his body to face Deputy Barr. It was at this time Deputy Barr thought Suspect Contreras, turned toward him to engage in conversation, however, Suspect Contreras turned, lifted his shirt and reached for the weapon in his waistband.

WITNESS STATEMENTS:

Deputy Jaime Barrios

Homicide Interview

On May 9, 2018, Homicide Detective Jonathan Bailey and Sergeant Chaffey Shepherd interviewed Deputy Barrios. A summary of this interview can be found in the Shooting Investigation Case book **[EXHIBIT A, pages 39-40]**.

Internal Affairs Bureau Interview

On August 9, 2019, Deputy Jaime Barrios was interviewed by IAB Sergeants Stacie Reedy and Hank Ortega at the IAB office in the city of Commerce. Deputy Barrios was represented by Robert Wexler of Rains, Lucia and Stern Law Office.

Deputy Barrios stated he worked PM shift on May 8, 2018, and worked as Unit 53H. Deputy Barrios, along with Deputy Barr (53F), "Were out doing proactive policing, contacting folks and talking with them through consensual encounters, or detentions if they had a violation" **(Refer to Deputy Barrios's Transcripts, page 7)**. Although Deputy Barrios could not recall if he and Deputy Barr had worked together on prior occasions, he did say yes, when asked if the two had previously discussed what they would do in different emergent situations.

Deputy Barrios said as they were traveling north on Seaman Avenue, passing Giovane Street, Deputy Barr pulled into a driveway. Deputy Barrios said he and Deputy Barr were in tandem, with Deputy Barr as the lead vehicle.

Deputy Barrios contacted Deputy Barr, via his hand-held radio [redacted] and asked what Deputy Barr saw. Deputy Barr proceeded to back up his vehicle and head south on Seaman Avenue. Deputy Barr said he wanted to go and talk to a guy he saw on Giovane Street. Deputy Barr turned west on Giovane and Deputy Barrios continued to follow behind.

Deputy Barrios said he saw Deputy Barr slow his vehicle down and pull to the side, close to the intersection (Seaman Avenue/Giovane Street). Not having a view of what Deputy Barr saw, Deputy Barrios drove his patrol car in front of Deputy Barr's patrol vehicle and stopped.

IAB NOTE: Using a sketch of the scene during the interview, Deputy Barrios noted his parked patrol vehicle as Vehicle B, rooftop 118, as diagrammed in [EXHIBIT F, Barrios].

As he passed Deputy Barr's patrol vehicle, he realized Deputy Barr was talking to Suspect Contreras, who was walking east along the north sidewalk. Deputy Barrios exited his patrol car and as he got to the trunk of his vehicle, he heard Deputy Barr interacting with Suspect Contreras. Deputy Barr asked, "Hey, how's it going? Where you headed to?" **(Refer to Deputy Barrios's Transcripts, page 8).** Deputy Barr then reached for his weapon, pointed it in Suspect Contreras direction, and yelled, "Hey, don't reach for it! Don't' reach for it! Put your hands up! – believing that Suspect Contreras may have a weapon." **(Refer to Deputy Barrios's Transcripts, page 8).**

Deputy Barrios said, instead of positioning himself next to Deputy Barr, if Suspect Contreras had a shot, he would take out both Deputy Barr and himself, so he decided to "hustle over" to the back of Deputy Barr's patrol vehicle for cover **(Refer to Deputy Barrios's Transcripts, page 8).** Deputy Barrios described his positioning from the rear of Deputy Barr's patrol vehicle as a "triangle position" **(Refer to Deputy Barrios's Transcripts, page 18).** And at no time did he feel he would be in a crossfire situation with Deputy Barr. Deputy Barrios had a direct view of Suspect Contreras and described being able to see him (Suspect Contreras) facing Deputy Barr and had an angled view of Suspect Contreras's back. Deputy Barrios saw Suspect Contreras's right arm, at the elbow, start to go in a downward motion toward his waistband. Deputy Barrios heard, "…a shot ring out, and it's Deputy Barr that fires a round at the suspect. All of a sudden I see, from the suspect's area a gun fly out; black, and I believe it was a black semiautomatic handgun, it looked like an actual handgun, fly and land on the sidewalk" **(Refer to Deputy Barrios's Transcripts, page 9).**

Deputy Barrios saw Suspect Contreras fall to the ground, and told Deputy Barr "…since you have a better view, you can see his arms. Go ahead and maintain observation of him and yell out commands while I get on the radio and put out radio traffic" **(Refer to Deputy Barrios's Transcripts, page 9).**

Deputy Barrios broadcasted a deputy-involved shooting occurred, and they were detaining a person with a gun, at gunpoint. Deputy Barrios said, he and Deputy Barr maintained their positions until additional deputy personnel arrived on-scene. Deputy Barr remained near his spotlight, and Deputy Barrios at the rear of Deputy Barr's patrol vehicle. Deputy Barrios said after he initiated the radio traffic, he could hear Deputy Barr continuing to yell commands to Suspect Contreras to stop moving his hands. Deputy Barrios said he felt initially it seemed as if Suspect Contreras, while on the ground, was reaching for his handgun but maybe decided not to **(Refer to Deputy Barrios's Transcripts, page 23).**

Deputy Barrios told IAB investigators he was aware of his backdrop and his sight alignment while detaining Suspect Contreras at gunpoint. He said there were a few homes as his backdrop, but he felt very confident in his shooting ability, and his sight alignment of Suspect Contreras was his upper torso.

Deputy Barrios said Deputies Arcila and Flores were first to arrive on-scene. Once they arrived, they quickly discussed a plan on how they would approach Suspect Contreras safely. Deputy Barrios was assigned the Taser (less lethal), and Deputy Barr continued to hold Suspect Contreras at gunpoint, while Deputy Flores handcuffed Suspect Contreras. Deputy Barrios was unable to recall the role of Deputy Arcila until he provided medical care. Suspect Contreras was handcuffed, placed in a recovery position, and Deputy Arcila grabbed towels from his vehicle and applied pressure to the suspect's wound.

Approximately two/three minutes after Suspect Contreras was shot, paramedics responded, along with Sergeant Maurice Austin. Sergeant Austin told Deputies Barr and Barrios they needed to separate from one another. Deputy Barrios went west of their current location and awaited further instruction.

Deputy Andres Arcila

On July 19, 2019, Deputy Andres Arcila was interviewed by IAB Sergeants Stacie Reedy and Thomas Inocente at the IAB office in the city of Commerce. Deputy Arcila was represented by Robert Wexler of Rains, Lucia and Stern Law Office.

Deputy Arcila stated he worked PM shift on May 8, 2018, and worked as Unit 55F. He was at a call for service, conducting an interview when he heard a [redacted] deputy involved in a shooting, via his hand-held radio.

When Deputy Arcila arrived on-scene, he saw Deputies Barr and Barrios holding Suspect Contreras at gunpoint. Suspect Contreras was laying on the sidewalk of the north curb line on Giovane Street, in front of a residence (2721 Seaman Avenue).

Deputy Arcila parked his patrol vehicle west of where Deputies Barr and Barrios parked their patrol vehicles.

IAB NOTE: Using a sketch of the scene during the interview, Deputy Arcila noted his patrol vehicle (Rooftop 412) to be park west of Vehicle B, as diagrammed in [EXHIBIT F, Arcila].

He (Deputy Arcila) exited his patrol vehicle and walked in the direction of Deputy Barr, who was standing near the driver's side door of his (Deputy Barr's) patrol vehicle. Deputy Arcila then un-holstered his weapon and pointed it at Suspect Contreras. As he did this, Deputy Arcila saw what appeared to be a handgun lying in the grass approximately five feet above Suspect Contreras's head. He then heard either Deputy Barr or Barrios say, "Hey man, there's a gun, there's a gun, there's a gun" **(Refer to**

Deputy Arcila's Transcripts, page 7). Deputy Arcila told Suspect Contreras not to reach for the gun and to remain still. Suspect Contreras complied.

Deputy Arcila described his backdrop, while holding Suspect Contreras at gunpoint, to be a house surrounded by a chain-link fence with bushes around the fencing. Deputy Arcila was approximately twenty feet from Suspect Contreras, during this time.

Deputy Arcila told IAB investigators Suspect Contreras was bleeding from the chest and was heard saying, "I'm shot! I'm shot!" (Refer to Deputy Arcila's Transcripts, page 7). At this time, Deputy Flores arrived on scene, and Deputies Barr, Barrios, Flores, and Arcila immediately formed a tactical plan. Their plan included to approach, handcuff, and render aid to Suspect Contreras. As deputy personnel made their approach of Suspect Contreras, Deputies Arcila, Barr, and Barrios maintained their position while pointing their firearms at the suspect to provide cover as Deputy Flores handcuffed Suspect Contreras. Once Suspect Contreras was handcuffed, Deputy Barr went to the trunk of his patrol vehicle and retrieved some towels to give to Deputy Arcila. Deputy Arcila then "gloved-up" and applied pressure to Suspect Contreras' gunshot wound pending paramedic's arrival **(Refer to Deputy Arcila's Transcripts, page 9).**

Paramedic's arrived soon after deputy personnel (Deputies on-scene) rendered the scene safe. Medical aid was provided by paramedics and Suspect Contreras was subsequently transported to LCMC.

Deputy Arcila told IAB investigators in addition to a black handgun, he also saw an orange Nike shoebox, and black backpack, directly east of Suspect Contreras's location (In front of 2721 Seaman Avenue) **(Refer to Deputy Arcila's Transcripts, page 10).**

Deputy Arcila began to canvass the scene for video surveillance. Video surveillance was captured from the residence of 9869 Giovane Street. Deputy Arcila reviewed the footage (with permission from the homeowner), and provided the following summary:

At approximately 23:30 hours, a male Black adult is seen walking westbound on the north sidewalk of Giovane Street. The suspect (Suspect Contreras) is holding a box in his left hand. Suspect Contreras then walked out of the camera's view. Deputy Barr is heard engaging in conversation with Suspect Contreras and is heard giving verbal commands to see his (Suspect Contreras's) hands. A single gunshot is heard (Refer to Deputy Arcila's Transcripts, page 11). Deputy Arcila documented his actions within his supplemental report [EXHIBIT A, pages 8-10].

Deputy Christopher Flores

On July 2, 2019, Deputy Christopher Flores was interviewed by IAB investigators. The interview was audio recorded and transcribed. The following is a summary of the interview:

Deputy Flores stated he worked the early morning shift on May 8, 2018, and worked as Unit 55T1. Deputy Flores was patrolling the South El Monte area when he heard the call

of a [redacted] via his hand-held radio **(Refer to Deputy Flores's Transcripts, page 6)**. He immediately responded [redacted] to Seaman Avenue and Giovane Street regarding the emergent radio traffic.

As he arrived on the scene, Deputy Flores saw Deputies Barr, Barrios, and Arcila detaining Suspect Contreras, at gunpoint, as they stood behind their patrol vehicles. As Deputy Flores parked and exited his patrol vehicle, he walked (approximately five to six feet) to the rear bumper of Deputy Barr's vehicle for cover. Deputy Flores was now standing alongside Deputy Barrios. Deputy Flores said Deputy Barr was standing at the hood of his (Deputy Barr's) vehicle. Deputy Flores was unable to recall where Deputy Arcila was standing. Deputy Flores could see Suspect Contreras was lying on the north sidewalk of Giovane Street with his arms parallel to the sides of his body. Deputy Flores ordered Suspect Contreras to put his hands out away from his body so he could see them. Suspect Contreras said he was unable to because he had been shot. Deputy Barr then told Deputy Flores he shot the suspect one time, there were no outstanding suspects and a gun was laying on the grass.

Deputies Barr, Barrios, Arcila and Flores devised a plan that included announcing to Deputies Barr and Arcila he (Deputy Flores) and Deputy Barrios would be approaching Suspect Contreras. The announcement was made to prevent crossfire. As Deputies Flores and Barrios approached Suspect Contreras, Deputy Flores said he would handcuff the suspect, as Deputies Barrios, Barr, and Arcila continued to hold suspect Contreras at gunpoint. Deputy Flores handcuffed Suspect Contreras and then searched Suspect Contreras for additional weapons. Once the scene was determined to be clear, Deputy Arcila holstered-his weapon and provided medical aid to Suspect Contreras's injury.

Deputy Flores told IAB investigators in addition to the handgun, "...there was also some type of gym bag, and a box, I think, shoes" **(Refer to Deputy Flores'sTranscripts, page 17)**.

Deputy Flores said Suspect Contreras was subsequently transported to LCMC by additional deputy personnel (Deputies Yoo and Nunez).

Sergeant Austin also arrived on the scene and spoke with Deputies Barr, Barrios, Flores, and Arcila separately. Deputy Flores requested additional deputy personnel to protect the crime scene (containment), as well as to canvass the area for potential witnesses and/or evidence.

Deputy Flores told IAB investigators he knew Suspect Contreras was a [redacted] He (Deputy Flores) had prior contact with Suspect Contreras and knew him to be a gang member associated with "El Monte Flores." Suspect Contreras claimed to be a transient but had a home address on Portrero Avenue. Suspect Contreras is "Just a problem child in the area" **(Refer to Deputy Flores's Transcripts, page 20)**.

IAB NOTE: [redacted]

IAB NOTE: According to Wikipedia El Monte Flores, also known as EMF, is a Hispanic criminal street gang based in California. It is the largest Hispanic gang in the San Gabriel Valley and one of the oldest in the state.

Deputy Flores authored the criminal report associated with this incident and additionally documented his actions in his supplemental report **[EXHIBIT A, pages 1-5 and pages 16-17]**.

Sergeant Maurice Austin

On July 8, 2019, Sergeant Maurice Austin was interviewed by IAB Sergeants Stacie Reedy and John Steele at Lancaster Station in the city of Lancaster. The following is a summary of the interview:

On May 8, 2018, Sergeant Austin was assigned as the field supervisor for the early morning shift as Unit 50S. Sergeant Austin was assigned to Temple Station in 2017. Sergeant Austin stated he first learned of the deputy involved shooting via an emergency broadcast over his hand-held radio. He immediately responded [redacted] to Seaman Avenue and Giovane Street, and arrived approximately five minutes after the [redacted] broadcast according to radio traffic of the incident, **[EXHIBIT D, T-4, 2]**.

After Sergeant Austin parked his patrol vehicle on Giovane Street, he saw Suspect Contreras lying on the ground. Sergeant Austin described a deputy (Deputy Arcila) providing medical assistance to "the person that was on the floor, applying pressure to his wound" **(Sergeant Austin's Transcripts, page 5)**. Sergeant Austin was unable to recall the deputy's' name but knew it was not Deputy Barr.

Sergeant Austin contacted Deputy Barr who provided him with a public safety statement regarding the direction of the shot he fired. Sergeant Austin notified the watch commander regarding the information he had obtained from Deputy Barr. Additionally, Sergeant Austin ensured deputy personnel (Deputies Yoo and Nunez) accompanied Suspect Contreras to the hospital and the area indicated by Deputy Barr was canvassed for possible injured victims. Sergeant Austin ensured Deputies Barr and Barrios were safe and unharmed. Sergeant Austin transported Deputy Barr to Temple Station where he remained until investigators arrived. Before the transportation, Sergeant Austin advised Deputies Barr and Barrios they were not to discuss the incident.

SUSPECT STATEMENTS:

Suspect Michael Contreras

Homicide Interview

On May 9, 2018, Homicide Detective Jonathan Bailey and Sergeant Chaffey Shepherd interviewed Suspect Contreras. The interview was audio recorded and transcribed. The following is a summary of the interview:

> **IAB NOTE: Suspect Contreras was interviewed at LCMC under patient #1011826015. He was awake, was not handcuffed, and had not been arrested. Medical staff told investigators Suspect Contreras had not been given any pain medication at the time of the interview.**

Suspect Contreras told investigators he was walking down Giovane Street and was carrying a shoebox and a backpack. As he was walking eastbound, Suspect Contreras saw "…two cop cars" drive-by on Seaman Avenue" **(Suspect Contreras's Transcripts, page 1)**. Suspect Contreras told investigators the deputies drove toward him on Giovane Street and shined their lights on him. A deputy got out of his car (Deputy Barr) and said, "What's going on?" **(Suspect Contreras's Transcripts, page 1)**.

Suspect Contreras said he told Deputy Barr he was on probation, and he (the suspect) started walking toward him. Suspect Contreras was carrying a shoebox and, he was wearing a backpack on his shoulders.

Suspect Contreras lifted his shirt to show deputies the "BB gun" **(Suspect Contreras's Transcripts, page 1)**. Suspect Contreras admitted to reaching for the BB gun in his waistband to throw it away. He thought it would be "the right thing to do at the time" **(Suspect Contreras's Transcripts, page 2)**. Suspect Contreras stated once he pulled the BB gun out (from his waistband), the deputy shot him. Deputy Barr shot Suspect Contreras in the chest. Suspect Contreras could not recall if Deputy Barr shot him once or twice.

Suspect Contreras told investigators Deputy Barr never told him to put his hands up, only to keep his hands out of his pockets **(Suspect Contreras's Transcripts, page 7)**. Suspect Contreras said he heard Deputy Barr tell Deputy Barrios, he (Suspect Contreras) was "reaching for something" **(Suspect Contreras's Transcripts, page 11)**.

Suspect Contreras admitted to knowing he was required to submit and comply with law enforcement pursuant to his terms of probation. Homicide investigators asked Suspect Contreras if he understood what Deputy Barr's thought process was when Suspect Contreras reached for his (Suspect Contreras's) gun. Suspect Contreras responded, "Yes, sir, of course." Suspect Contreras was also asked if he (Deputy Barr) had every right to believe he would be shot (by Suspect Contreras), Suspect Contreras replied, "Of

course" **(Suspect Contreras's Transcripts, page 10)**. Suspect Contreras understood Deputy Barr's actions.

> **IAB NOTE: A ski mask, shaved keys and scissors were found inside Suspect Contreras's backpack. Suspect Contreras said the backpack belonged to another person, whom he refused to identify.**

SURVEILLANCE VIDEO

During a canvass of the scene, Sergeant Biddle located a security camera mounted to the south exterior wall, near the front door of 9869 Giovane Street. 9869 Giovane Street is the first residence west of the northwest corner from where the shooting occurred. It was determined the security system of the residence (9869 Giovane Street) captured surveillance video **[EXHIBIT C]** of Suspect Contreras walking east on Giovane Street just prior to the encounter with deputy personnel. Although the video footage did not capture the deputy-involved shooting, segments of the audio of Suspect Contreras's initial contact with deputies was heard. Detective [redacted] and Detective [redacted] from the Los Angeles County Sheriff's Department Technical Operations Detail ("Tec Crew") responded to 9869 Giovane Street to obtain a forensic copy of the video footage from the resident ([redacted]).

The following is a timeline summary based off the audio from a surveillance camera, located at 9869 Giovane Street. The camera was one residence west of the scene.

23:30:32- Deputy Barrs' patrol vehicle headlights are seen as he travels north on Seaman Avenue.

23:30:37- Deputy Barrios' patrol vehicle headlights are seen as he travels north on Seaman Avenue, behind Deputy Barr.

23:30:38- Suspect Contreras comes within camera view and is walking east, on the north sidewalk on Giovane Street. He's seen carrying a shoe box in his left hand and a backpack over his shoulders.

23:30:50- Suspect Contreras continues walking east on Giovane Street and out of camera view.

23:31:03- As Deputy Barr turns west on Giovane Street, and his patrol vehicle headlights are seen in the reflection of a vehicle parked on the south side of Giovane Street. His car is parked out of camera view.

23:31:08- Deputy Barr is heard saying, "What's up man?"

23:31:09- Deputy Barr is heard saying, "What's up man? Come here real quick. I just want to talk to you."

23:31:15- Deputy Barrios turns west on Giovane Street, and his patrol vehicle headlights are seen in the reflection of a vehicle parked on the south side of Giovane Street. His car is parked east of the camera view.

23:31:17- Deputy Barr is heard saying, "Hey!"

23:31:19- Deputy Barr is heard saying, "Put your fuckin' hands up!"

23:31:21- Deputy Barr is heard saying, "Put your fuckin' hands up!"

23:31:22- Shot fired.

23:31:26- Deputy Barr is heard saying, "don't fuckin' move!"
23:31:33- Deputy Barr is heard saying, "Put your fuckin' hands out!"
23:31:38- Deputy Barr is heard saying, "Put your fuckin' hands out!"
23:31:42- Deputy Barr is heard saying, "Put your fuckin' hands out!"
23:31:46- Deputy Barr is heard saying, "Put your fuckin' hands out!"
23:31:50- Deputy Barr is heard saying, "Hey, move your hands!"
23:31:53- Deputy Barr is heard saying, "Put your hands in front of you, at your sides!"
23:31:55- Deputy Barr is heard saying, "Put your hands at your sides!"
23:31:58- Deputy Barr is heard saying, "Put your hands at your sides!"
23:33:25- Deputy Arcila arrived on scene.